

### REMARKS

This Amendment is submitted in response to the Examiner's Action mailed April 22, 2005, with a shortened statutory period of three months set to expire July 22, 2005. Claims 1, 4-10, and 17 are currently pending. Claims 2-3 and 11-14 were previously canceled. Claims 15-16 were previously withdrawn from consideration.

The Examiner states in paragraph 1 on page 2 of his Action that claims 15-16 were withdrawn from consideration. Then, in paragraph 2 on page 2 of his Action, the Examiner states that this application contains claims 15-16 which are drawn to a non-elected invention.

Applicants withdrew claims 15 and 16 from consideration in a preliminary amendment that was filed February 28, 2005. The Examiner appears to recognize this as noted in his current Action in paragraph 1. Claims 15 and 16 have been withdrawn from consideration and are not pending in the present application.

The Examiner rejected claims 1, 4-10, and 17 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 5,960,451 issued to *Voigt*. This rejection is respectfully traversed.

The Examiner states that *Voigt* teaches the claimed "virtual stored data management subsystem", the claimed "one or more hosts", the claimed "pool of heterogeneous storage", the claimed "associated management information", the claimed "first and second boundaries...that limit preferences", and the claimed "logical device definitions". The pending claims do not include this language. The Examiner is referring to claim language that was deleted from the claims in previous responses. It appears that the Examiner has not examined the pending claims because the claim language for the pending claims is not referred to by the Examiner in his Action.

The Examiner then goes on to quote from a response that Applicants filed June 16, 2003. The remarks in this response were made regarding the pending claims as of June 16, 2003. The claims have been amended since June 16, 2003. The remarks made in June 2003 do not apply to the claims as they currently stand.

*Voigt* does not anticipate Applicants' pending claims. *Voigt* does not teach the features of pending claim 1. *Voigt* does not teach determining storage characteristic

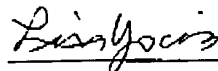
requirements for a virtual data unit by reading from an inventory of virtual data unit requirements. *Voigt* does not teach processing the storage characteristic requirements to map the storage characteristic requirements into storage implementation methodologies using a storage methodology inventory. *Voigt* does not teach identifying which storage implementation methodologies are mapped to potential subsystems or devices using management information that provides a storage unit capabilities inventory. *Voigt* does not teach communicating the virtual data unit to one or more of the available potential storage subsystems. *Voigt* does not teach creating, in the storage subsystem, a logical device to map the virtual data unit, where the storage characteristic requirements are maintained at a data management level instead of being maintained at a device management level. Because *Voigt* does not teach the features of pending claim 1, *Voigt* does not anticipate pending claim 1.

The remaining claims depend from claim 1 and are believed to be patentable because *Voigt* does not teach the features of pending claim 1 in combination with the features of the dependent claims.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

DATE: 07.21.05

Respectfully submitted,



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